

1 DAYLE ELIESON  
2 United States Attorney  
3 District of Nevada

3 TROY K. FLAKE  
4 Assistant United States Attorney

4 LUIS A. GARCIA  
5 Special Assistant United States Attorney  
6 350 South Figueroa Street, Suite 370  
7 Los Angeles, California 90071-1202  
8 Telephone: (213) 894-2681  
9 Facsimile: (213) 894-2064  
10 E-mail: garcia.luis.a@dol.gov

11 *Attorneys for the United States.*

12 UNITED STATES DISTRICT COURT  
13 DISTRICT OF NEVADA

14 R. ALEXANDER ACOSTA, Secretary of  
15 Labor, United States Department of Labor,

16 Petitioner,

17 v.

18 LOCAL 872, LABORERS  
19 INTERNATIONAL UNION OF  
20 NORTH AMERICA,

21 Respondent.

Case No.: 2:18-cv-01185-JAD-CWH

**ORDER GRANTING SECRETARY OF  
LABOR'S PETITION TO ENFORCE  
ADMINISTRATIVE SUBPOENA  
DUCES TECUM ISSUED BY THE  
OFFICE OF LABOR MANAGEMENT  
STANDARDS, U.S. DEPARTMENT OF  
LABOR**

22 Show Cause Hearing was held on September 4, 2018, before Magistrate Judge  
23 Carl W. Hoffman, Jr. Special Assistant United States Attorney Luis A. Garcia appeared  
24 for Petitioner, R. Alexander Acosta, Secretary of Labor, United States Department of  
25 Labor (the "Secretary"). Kristina Hillman appeared for Respondent Local 872, Laborers  
26 International Union of North America ("Respondent" or "Local 872"). After the Court's  
27 preliminary remarks and oral argument by counsel, the Secretary's petition to enforce the  
28 administrative subpoena *duces tecum* ("Subpoena") issued by the Office of Labor-  
Management Standards, U.S. Department of Labor ("OLMS") and to present Local 872  
union officials for interview by OLMS is **GRANTED**.

1           1.       Respondent is hereby directed to appear before District Director Ed  
2 Oquendo or Investigator Troy Krouse at 915 Wilshire Blvd., Suite 910, Los Angeles,  
3 California 90017, on **September 24, 2018**, at 11:00 a.m., and produce all of the records  
4 and documents, as specified and described in the Subpoena issued by OLMS on May 16,  
5 2018;

6           2.       Respondent is further directed to make available for interview by OLMS, at  
7 its office located at the Lloyd D. George Federal Bldg., 333 S. Las Vegas Blvd, 5th  
8 Floor, Suite 5520, Las Vegas, NV 89101, the following union officials:

- 9           • Business Manager/Secretary-Treasurer Tommy White
- 10          • Political Agent Thomas Morley
- 11          • Vice President Marco Hernandez
- 12          • E-Board member Chelsy Torres

13 All interviews are to be completed no later than **October 24, 2018**.

14           3.       The applicable 60-day statute of limitations under Section 402 of the  
15 LMRDA, 29 U.S.C. § 482, is tolled as of May 16, 2018, the date Local 872 was served  
16 with the Subpoena, until the Secretary notifies the Court by declaration that Local 872  
17 has fully complied with the Subpoena and has made available for interview by OLMS  
the union official identified above;

18           4.       A copy of this Order shall be served on Respondent's counsel via the  
19 Court's Electronic Case Filing system; and

20           5.       Failure on the part of Respondent to obey or comply with this Order shall  
21 subject it to contempt proceedings.

22  
23 IT IS SO ORDERED.

24 Dated: September 13, 2018

25   
26 C.W. HOFFMAN, JR.  
27 UNITED STATES MAGISTRATE JUDGE  
28